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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/874,191
Filing Date: June 04, 2001
Appellant(s): SIMPSON ET AL.

For Appellant
Peter Kraguljac

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 18th 2006 appealing from the Office action mailed August 24th 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. Appellant appears to have made two typographical errors. The status of the claims should be and is as follows:

Claims 1-10, 12-19, 21-23 are pending.

Claims 1-10, 12-19, 21-23 stand rejected.

Claims 11 and 20 have been cancelled.

The rejections of claims 1-10, 12-19, 21-23 are appealed

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence other than the already cited prior art is relied upon by the examiner in the rejection of the claims under appeal. The cited art relied upon is as follows:

U.S. Patent 6,115,739 to Ogawa

U.S. Patent 6,930,709 to Creamer et al.

U.S. Patent 6,182,892 to Angelo

(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

A. Claims 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,115,739 to Ogawa et al.

B. Claims 1-9 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination U.S. Patent 6,115,739 to Ogawa and U.S. Patent 6,930,709 to Creamer et al.

C. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ogawa and Creamer and further in view of U.S. Patent 6,182,892 to Angelo et al.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,115,739 to Ogawa et al.

With regard to claim 12, Ogawa discloses a method for transferring scanned imaging data from a scanning device to a personal imaging repository having one or more imaging data stores for storing the imaging data of a user and a composition store for storing imaging compositions having links to the imaging data, said method comprising:

Ogawa further discloses receiving the scanned imaging data (Fig. 2, element 12, column 2, lines 28-31).

Ogawa further discloses obtaining by the scanning device user information relating to the personal imaging repository that identifies an imaging data store and a composition store associated to the user (column 2, lines 30-40). Here Ogawa discloses that the scanner contains ***"input means for inputting identification information on a user."*** Ogawa also discloses ***"a memory means in which the relationships of correspondence between identification information on users and the directories associated with the users are stored."*** The directories along with

correspondence identification to the users are interpreted as a composition store associated with to the user.

Ogawa further discloses connecting by the image scanning device with the imaging store of the personal imaging repository indicated from the user information (column 2, lines 34-42). Here Ogawa discloses a file server that stores the data in a directory associated with the user identification information input by the user. The connecting is interpreted as being performed by the scanning device (column 2, line 29 and Fig. 7 and column 6, lines 25-29). Here Ogawa discloses where the image scanner inputs the data and establishes connection with the network.

Appellant previously made the argument (remarks page 11) that because the Ogawa discloses "...said file server stores the image data in a directory..."(see column 2, lines 39-40), that the scanning device does not store the image data as claimed. Ogawa discloses that "the image data is input from the scanner" (column 2, lines 39-40). Appellant is advised that this is how networks work. They use servers. Appellants network depicted in Fig.1 uses a server. If image data goes through a communication link it must use a server. In networked applications there is always a client and a server. Appellant is pointed to the specification on page 4 of the disclosure at the definition of Client-Server. In Appellant's Fig. 1, if the client is the imaging client 12, then there must be server. The Sever can be the Web Service Site 36 or it can be within the Communication Link 16 or it can even be the Scanning Device 14. The Server can play any of these roles, but let it be known that a Server is inherent to any networked operation. Therefore when Ogawa inputs the image data from the scanner

and stores it by transferring through the server, this clearly reads on having the scanner store the data in a networked environment like the one claimed.

Ogawa further discloses transferring by the image scanning device the scanned imaging data to the imaging data store (column 2, lines 34-40). Again the discussion above applies. When Ogawa discloses that the image data is sent via the scanner to a server and to an image file directory this is interpreted as transferring by the image-scanning device.

Ogawa further discloses storing by the image scanning device, in the composition data store associated to the user, a link reference that identifies a location of the scanned imaging data where the composition store maintains a plurality of link references to a plurality of imaging data that may be stored in separate imaging data stores (column 2, lines 34-42 and Fig. 1 and Fig. 7 and column 6, lines 25-30). The plurality of link references to a plurality of imaging data that may be stored in separate imaging stores is interpreted as the user IDs that identify correspondence information with the user's directory and multiple imaging stores are the memories allocated to store the images. Again the discussion presented above applies with regard to the "storing by the scanning device." When Ogawa discloses that the image data is input by the scanning device and directed to storage in the server this is interpreted as "storing by the scanner device."

The user IDs and their correspondence to their respective user directories should be understood as link references from the discussion presented at the beginning of this office action.

With regard to claim 13, Ogawa discloses the method according to claim 12 further comprising the steps of: obtaining the link reference of the scanned image data stored in the imaging data store (column 2, lines 35-42, Figs 4 and 5). Here the image file storage system is disclosed. The image files all have indexes and are considered to operate as link references. See discussion above regarding "link references."

Ogawa further discloses disconnecting from the imaging data store by the scanning device (column 2, lines 45-54). Here the file server is disconnected from the scanner.

With regard to claim 14, Ogawa discloses the method of claim 12 wherein said step of connecting with the imaging data store further comprising the steps of:

determining whether the connection with the imaging data store is successful (column 2, lines 50-54);

returning an error message to the user when the connection is not successful (column 2, lines 50-54); and,

converting the scanned imaging data into a predefined format (column 2, lines 65-68 and Fig. 11). Here the image is stored in .JBG and .TIF formats. The image can be stored in one standard format and then converted to another (column 9, lines 45-60).

With regard to claim 15, Ogawa discloses the method according to claim 14 wherein said predefined format is any from the group consisting of: JPEG, GIF, PNGF, TIF, PDF, and Microsoft Windows bitmap format (Fig. 11). Here two image file formats are given as IMAGE.TIF and IMAGE.JBG.

With regard to claim 16, Ogawa discloses the method according to claim 12 where the storing comprising the step of obtaining a link reference of the scanned imaging data stored in the imaging data store (Figs. 4 and 5). All of the images in the image database have indexes and the file path corresponding to the user indexed directory are interpreted as link references.

Ogawa further discloses connecting with the composition store of the personal imaging repository indicated from the user information (column 2, lines 30-40).

Ogawa further discloses creating an imaging composition having the link reference to the scanned imaging data stored in the personal imaging data store (column 2, lines 30-40).

Ogawa further discloses saving the imaging composition to the composition store (column 2, lines 30-40).

With regard to claim 17, Ogawa discloses the method according to claim 16 further comprising the steps of: setting the imaging composition as a selected composition available for service in the composition store (column 2, lines 30-40); and

disconnecting from the composition store of the personal imaging repository (column 2, lines 45-54).

With regard to claim 18, Ogawa discloses the method according to claim 16 wherein prior to the step of creating an imaging composition further comprising the steps of: determining whether the connection with the composition store is successful; and, returning an error message to the user when the connection to the composition is not successful (column 2, lines 45-54). Here Ogawa discloses when the connection to the file server or image store is lost or disconnected, the user is notified.

With regard to claim 19, Ogawa discloses the method according to claim 16 wherein said step of creating an imaging composition further comprising the step of adding the link reference of the imaging data stored in the imaging data store to the imaging composition (Figs. 4 and 5). Here the directory is considered to be the image directory in which each image added to the file server is indexed or referred to with a link or index number.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination U.S. Patent 6,115,739 to Ogawa and U.S. Patent 6,930,709 to Creamer et al.

With regard to claim 1, Ogawa discloses a system for transferring scanned imaging data from a scanning device to a personal imaging repository (abstract).

Ogawa further discloses a scanning device capable of scanning imaging data (Fig. 2, element 12, column 2, lines 28-31).

Ogawa further discloses the scanning device configured to obtain user information relating to a personal imaging repository associated with a particular user for storing data that is to be accessed by remote web services (column 2, lines 31-37). Here identification information about the user is used to direct scanned images to the corresponding directories over a network. With regard to "storing imaging data that is to be accessed by remote web services," it should be understood that Ogawa discloses a networked system (column 2, lines 20-23) and that the very purpose of any network system is the access to information remotely. Therefore it is interpreted that the imaging data store is available to remote services, the first of which is the imaging data store being available to receive more scanned images. The scanner itself is accessing the file directory and this is interpreted in the networked environment as "imaging data that is to be accessed by remote web services.

Ogawa further discloses a device firmware being part of the scanning device for storing scanned imaging data from the scanning device into said personal imaging repository (column 2, lines 28-32) and being configured to store a link reference to the scanned image data in a centralized data store associated to the particular user (column 2, lines 39-42). Here firmware is interpreted as a memory means in which the relationships of correspondence between identification information on users and the directories associated with the users are stored. Ogawa further discloses that firmware performing basic input output functions such as causing image transfer by the scanner (column 6, lines 25-30 and Fig.7).

Appellant previously made the argument (remarks page 11) that because the Ogawa discloses "...said file server stores the image data in a directory..."(see column 2, lines 39-40), that the scanning device does not store the image data as claimed. Ogawa discloses that "the image data is input from the scanner" (column 2, lines 39-40). Appellant is advised that this is how networks work. They use servers. Appellants network depicted in Fig.1 uses a server. If image data goes through a communication link it must use a server. In networked applications there is always a client and a server. Appellant is pointed to the specification on page 4 of the disclosure at the definition of Client-Server. In Appellant's Fig. 1, if the client is the imaging client 12, then there must be server. The Sever can be the Web Service Site 36 or it can be within the Communication Link 16 or it can even be the Scanning Device 14. The Server can play any of these roles, but let it be known that a Server is inherent to any networked operation. Therefore when Ogawa inputs the image data from the scanner

and stores it by transferring through the server, this clearly reads on having the scanner store the data in a networked environment like the one claimed. This does not in any way differentiate between the presently claimed invention and the reference of Ogawa.

The link reference is interpreted as the user information used to determine the directory associated with the user. A link reference is interpreted as a name or pointer that simply identifies where the file is found and the user ID in Ogawa does that. For more on how Examiner interprets a link reference refer to the section regarding "link references" at the beginning of the Office Action.

As can best be interpreted from the specification, the present invention claims that the imaging repository consist of a centralized data store wherein links interpreted as file pointers or indexes to imaging data are stored and can be retrieved by outside web services. This is basically what the Internet or any network does in searching for files within a file structure or network.

Ogawa discloses a networked environment with a scanner and a file storage with personal image directories or repositories for storing images associated with a certain users (Fig. 1). This is therefore interpreted as an exchange infrastructure between the imaging data and the remote web services. As discussed above, the first of those web services is making the user directories available to receive newly scanned images. It should also be understood that the purpose of any network is to enable remote access to information and that the access is enabled in both directions and from any client connected to the network given access. This is exceedingly well known in the art with use of the Internet.

As can best be interpreted from the specification, the present invention claims that the imaging repository consist of a centralized data store wherein links interpreted as file pointers or indexes to imaging data are stored and can be retrieved by outside web services. This is basically what the Internet or any network does in searching for files within a file structure or network.

Although Ogawa discloses a networked scanner environment, Ogawa does not explicitly disclose enabling access by The Internet. It should be exceedingly obvious to one of ordinary skill in the art that any local network, such as the LAN described in Ogawa, may be connected to the internet enabling outside users or services on the World Wide Web to access the LAN and (vice versa) allowing users connected to the LAN to access the World Wide Web. As an example of this the reference of Creamer is cited. Creamer discloses after images are uploaded by a user to a user directory, they can then be accessed by anyone with any kind of access device connected to the Internet (see abstract). The network of Creamer works in the exact same way as both Ogawa and the presently claimed invention. Once a file or data is stored in a directory or a repository and the address of the directory is known and identified (i.e. a link reference that tells the system where the data resides and how to get to it) anyone or anything with permission and an access device may access that information. That's what the Internet is all about. Therefore in view of the remote web access taught by Creamer it would have been obvious to one of ordinary skill in the art at the time of invention to link the LAN of Ogawa to the internet to enable the images in the personal user directory or repository to be accessed by someone or something some service on

the Internet via the world wide web. The motivation for enabling the invention of Ogawa to connect with the Internet is the same motivation that anyone would use any network, to share data.

With regard to claim 2, Ogawa discloses the system as defined in claim 1 wherein said personal imaging repository stores the imaging data in a plurality of file formats (column 9, lines 12-17). Here Ogawa describes a compression/expansion unit within the scanner for preserving the image data usually in the compressed format, but it is apparent that different formats can be used.

With regard to claim 3, Ogawa discloses the system as defined in claim 1 wherein said personal imaging repository comprises an imaging data store assigned to the user for storing imaging data (column 2, lines 30-35). Here Ogawa discloses directories or image stores associated with users.

With regard to claim 4, Ogawa discloses the system as defined in claim 1 wherein said personal imaging repository comprises a plurality of imaging data stores for storing imaging data (column 2, lines 30-35). Here Ogawa discloses that multiple users have their own directories.

With regard to claim 5, Ogawa discloses the system as defined in claim 4 wherein one of said plurality of imaging data stores is assigned to the user for storing

imaging data (column 2, lines 30-35). Each user has his/her own directory for storing images.

With regard to claim 6, Ogawa discloses the system as defined in claim 4 wherein one of said plurality of imaging data stores is assigned to a web service for storing imaging data provided by the web service (column 2, lines 55-65). The scanner is connected to a network and through that network is connected to a file server for image storage.

With regard to claim 7, Ogawa discloses the system as defined in claim 1 wherein the centralized data store comprises a composition store for storing imaging compositions of the imaging (column 2, lines 35-45). Here image data is stored in a file server according to the user information.

With regard to claim 8, Ogawa discloses the system as defined in claim 7 wherein said imaging composition comprises a link reference for each imaging data (Figs 4 and 5). Here the image file storage system is disclosed. The image files all have indexes and are considered to operate as link references.

With regard to claim 9, Ogawa discloses the system as defined in claim 1 wherein said personal imaging repository is located on another data storage device that is linked to an imaging client (column 2, lines 55-65).

With regard to claim 21, Ogawa discloses a computer program product comprising a computer usable medium having computer readable program codes embodied in the medium that when installed in a scanning device linked to a personal imaging repository with an imaging data store for storing the imaging data and a composition store for storing imaging compositions with links to the imaging data, the product causes the scanning device to:

receive scanned imaging data (column 2, lines 30-40);

obtain user information relating to the personal imaging repository (column 2, lines 30-40);

connect with the imaging data store of the personal imaging repository indicated from the user information (column 2, lines 30-40); and,

transfer scanned imaging data to the imaging data store (column 2, lines 30--40).

Ogawa discloses where the program causes the computer to transfer a link to a composition store associated with the user, the composition store being configured to contain link references to a plurality of image data associated with the user (column 2, lines 34-42), but does not disclose that the imaging data may be stored in different imaging data stores on remote devices. Again the link that is transferred is interpreted as the User ID corresponding to the file path to get to the associated user file directory.

Ogawa discloses a networked environment with a scanner and a file storage with personal image directories or repositories for storing images associated with a certain users (Fig. 1). This is therefore interpreted as an exchange infrastructure between the

imaging data and the remote web services. As discussed above, the first of those web services is making the user directories available to receive newly scanned images. It should also be understood that the purpose of any network is to enable remote access to information and that the access is enabled in both directions and from any client connected to the network given access. This is exceedingly well known in the art with use of the Internet.

As can best be interpreted from the specification, the present invention claims that the imaging repository consist of a centralized data store wherein links interpreted as file pointers or indexes to imaging data are stored and can be retrieved by outside web services. This is basically what the Internet or any network does in searching for files within a file structure or network.

Although Ogawa discloses a networked scanner environment, Ogawa does not explicitly disclose storing different imaging data stores on remote devices. It should be exceedingly obvious to one of ordinary skill in the art that any local network, such as the LAN described in Ogawa, may be connected to the internet enabling outside users or services on the World Wide Web to access the LAN and (vice versa) allowing users connected to the LAN to access the World Wide Web. As an example of this the reference of Creamer is cited. Creamer discloses after images are uploaded by a user to a user directory, they can then be accessed by anyone with any kind of access device connected to the Internet (see abstract). The network of Creamer works in the exact same way as both Ogawa and the presently claimed invention. Once a file or data is stored in a directory or a repository and the address of the directory is known

and identified (i.e. a link reference that tells the system where the data resides and how to get to it) anyone or anything with permission and an access device may access that information. That's what the Internet is all about. Therefore in view of the remote web access taught by Creamer it would have been obvious to one of ordinary skill in the art at the time of invention to link the LAN of Ogawa to the internet to enable the images in the personal user directory or repository to be stored or accessed by someone or something some service on the Internet via the world wide web. The motivation for enabling the invention of Ogawa to connect with the Internet is the same motivation that anyone would use any network, to share data.

With regard to newly added claim 22, Ogawa discloses a computer program product comprising readable program codes that when executed causes a scanning device to perform a method, the method comprising receiving references to a personal imaging repository of a user *(receiving the reference to the personal imaging repository is interpreted as the user ID which is used to pint the images to the corresponding directory)*, the references including a data store reference that identifies an imaging data store for storing scanned image data, and a composition store reference that identifies a composition store for storing link references to scanned image data associated with the user (column 2, lines 34-42). The personal imaging repository is the directory in which the images are stored and the composition store is where the user ID is stored and the link is the user ID which is used to link to the stored imaging data. The link references

have been discussed repeatedly and the interpretation of link references can be found at the beginning of the Office Action.

With regard to the references including a data store reference that identifies an imaging data store for storing scanned image, the references or user ID pointers identify the imaging store directories in Ogawa so the actual data store or directory files and structure with file and directory names stored in the directory are interpreted as the data store reference. With regard to a composition store reference that identifies a composition store for storing link references to scanned image data associated with the user, the composition store is interpreted as the memory in Ogawa that stores the correspondence between user IDs and the directories (column 2, lines 35-40).

So in summary, the data store reference refers to the actual file directory structure and names. The composition store containing link references refers to the correspondence information stored in memory. Effectively what is claimed is a file structure where the image data is to be stored (data store reference information) and a list of user directories or repositories with corresponding user links or IDs with file paths or correspondence information.

Ogawa further discloses transferring a scanned image data to the image data store using the data store reference (column 2, lines 34-42).

Ogawa further discloses obtaining a link reference to the scanned image data transferred to the image data store (column 2, lines 34-42). The link reference is user ID correspondence information stored in memory designating the appropriate directory.

Ogawa further discloses causing the link reference to be stored in a composition store identified by the composition store reference, but does not explicitly disclose where the composition store can be accessed by a plurality of remote web services to identify locations of scanned image data associated with the user.

Ogawa discloses a networked environment with a scanner and a file storage with personal image directories or repositories for storing images associated with a certain users (Fig. 1). This is therefore interpreted as an exchange infrastructure between the imaging data and the remote web services. As discussed above, the first of those web services is making the user directories available to receive newly scanned images. It should also be understood that the purpose of any network is to enable remote access to information and that the access is enabled in both directions and from any client connected to the network given access. This is exceedingly well known in the art with use of the Internet.

As can best be interpreted from the specification, the present invention claims that the imaging repository consist of a centralized data store wherein links interpreted as file pointers or indexes to imaging data are stored and can be retrieved by outside web services. This is basically what the Internet or any network does in searching for files within a file structure or network.

Although Ogawa discloses a networked scanner environment, Ogawa does not explicitly disclose storing different imaging data stores on remote devices. It should be exceedingly obvious to one of ordinary skill in the art that any local network, such as the LAN described in Ogawa, may be connected to the internet enabling outside users or

services on the World Wide Web to access the LAN and (vice versa) allowing users connected to the LAN to access the World Wide Web. As an example of this the reference of Creamer is cited. Creamer discloses after images are uploaded by a user to a user directory, they can then be accessed by anyone with any kind of access device connected to the Internet (see abstract). The network of Creamer works in the exact same way as both Ogawa and the presently claimed invention. Once a file or data is stored in a directory or a repository and the address of the directory is known and identified (i.e. a link reference that tells the system where the data resides and how to get to it) anyone or anything with permission and an access device may access that information. That's what the Internet is all about. Therefore in view of the remote web access taught by Creamer it would have been obvious to one of ordinary skill in the art at the time of invention to link the LAN of Ogawa to the internet to enable the images in the personal user directory or repository to be stored or accessed by someone or something some service on the Internet via the world wide web. It would have been obvious to store data in multiple remote locations fro the same reasons data is dispersed throughout the internet, to save space or memory or to speed up processing time. The motivation for enabling the invention of Ogawa to connect with the Internet is the same motivation that anyone would use any network, to share data.

With regard to claim 23, the discussion with regard to networked environments of claims 21 and 22 applies.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ogawa and Creamer and further in view of U.S. Patent 6,182,892 to Angelo et al.

With regard to claim 10, Ogawa and Creamer dislose the system of claim 1 bur do not explicitly disclose the use of a smart card for obtaining user information. Smart cards are exceedingly well known. Drivers Liscenses, ATM cards, Security access cards are all considered smart cards and all are used to store personal user information. The reference of Angelo teaches the use of a smart card to enable a scanner by authenticating a user meaning the user identification information is held within the smart card. Therefore it would have been obvious to one of ordinary skill in the art a the time of invention to use a smart card to contain user information as taught by Angelo in order to authenticate a user and conduct processing according to a particular user.

(10) Response to Argument

Summary of Appellant's Argument:

Regarding all the rejections in view of primary reference Ogawa, the majority of Appellant's arguments are directed to the claim phrase "**link reference.**" Let it be clear that the term "link reference" does not appear in Appellant's specification a single time. Therefore Examiner will explain for the record how such term not found in the specification has been interpreted and applied in view of the reference to Ogawa.

I. **Claims 12-19 are unpatentable under 35 USC 102 (b) as being anticipated by U.S. Patent 6,115,739 to Ogawa et al.**

With Regard to "Link References"

Firstly, the term "link reference" never appears in the specification and has not been expressly defined by Appellant.

Appellant defines Hyperlink on page 5 of the specification as: *a navigational link from one document to another, from one portion (or component) of a document to another or to a Web resource, such as a Java applet. Typically a hyperlink is displayed as a highlighted word or phrase that can be selected by clicking on it using a mouse* ***to jump to the associated document or document portion or to retrieve a particular resource*** (emphasis added).

Now Hyperlinks in general jump the user from one web resource to another, this is generally done through the use of a URL or Uniform Resource Locator, which Appellant has also defined in the specification as *a unique address which fully specifies the location of a file or other resources on the internet or a network. The general format of a URL is protocol: //machine address:port/path/filename.*

So it appears that a hyperlink which examiner is interpreting to be very similar to a "link reference" since that is the only "link" defined in the specification is essentially a way for a computer to jump or navigate through file directories or databases or data structures or however data is stored in digital form to an associated document to

retrieve a particular resource. URLs in essence point to a location of a file directory. This is exactly what is performed in Ogawa. A user ID is used ***"and a memory means in which relationships of correspondence between identification on users and the directories associated with the users are stored."*** (column 2, lines 35-39). It is this storing of correspondence between the user ID and the associated data that is interpreted as a link reference. This link reference or correspondence between the user ID and the users associated file directory enables the storage of image data in the file directory and it should also be clear that these links are stored so that data may be later retrieved. This should be exceedingly clear. Indeed it is difficult to see how this would not be considered a link reference. Let it be clear that the User ID along with the stated correspondence relationships stored in memory constitute the claimed "link reference."

However Appellant insists ***"The Examiner interprets the user Ids of Ogawa as the claimed link references. User IDs are well known in the art and link references are well known in the art. One of ordinary skill in the art would not equate a user ID with a link reference and Ogawa provides no suggestion or motivation otherwise. Furthermore, the Examiner's interpretation is not consistent with the present specification or the claims. Therefore, the Examiner's interpretation is not supported by the teachings of the art. For at least this reason, Ogawa fails to teach or suggest the "storing" limitation of claim 12."***

In response to these arguments, one of ordinary skill in the art would most certainly equate a user ID with a link reference when ***"a memory means in which the***

relationships of correspondence between identification on users and the directories associated with the users are stored" (Ogawa, column 2, lines 35-40).

It is difficult to tell whether or not Examiners interpretation is consistent with the present specification or the claims when the term "link reference" only appears in the claims and does not appear once in the specification. Furthermore Appellant makes no attempt at explaining what Appellant views as the principle differences are between the claimed "link references" and the User ID file pointers of Ogawa. Appellant simply states they are not the same with no explanation. It should be clear that the user IDs and their relationships of correspondence to the associated directories clearly reads on the term "link reference."

Appellant goes on to argue (page 11 of remarks) that: ***"Additionally, if user IDs are interpreted as link references (which they cannot be), Ogawa still fails to teach a scanner configured to store user IDs in a composition store."***

In response to this argument Examiner points once again to the cited passage of Ogawa wherein ***"A MEMORY MEANS in which the relationships of correspondence between identification on users and the directories associated with the users ARE STORED"*** (Ogawa, column 2, lines 35-40).

When the scanner in Ogawa obtains user information, the invention knows exactly where to place the scanned images in the directory associated with that user on the network. This is known because stored in memory along with each user ID tag is the file directory where the images are to be stored. Furthermore the system knows how to get to the directory because with the directory name is the file within a file or

path name in a format typical of data storage such as: *//machineaddress:port/pathdirectory/user/filename.* **This is interpreted as a "link reference" to the users directory stored with each user ID. This is how the scanner and networked system know where to put the scanned image scanned by a user.**

It should be abundantly clear now how the Examiner interprets the User IDs of Ogawa and how the correspondence stored between those IDs and the respective directories constitute link references.

Appellant further argues (page 11 of brief) ***"Thus, the "link reference" of the subject application is a reference to a scanned imaging data obtained by the scanning device. The link reference is stored in a centralized store (e.g. composition store), with the imaging data stored in an imaging data store. Accordingly, contrary to the Office Action (page 5), one of ordinary skill in the art would not equate a user ID (of Ogawa) with a link reference and further Ogawa provides no suggestion or motivation to believe otherwise."***

Thus Appellant argues that because the claimed "link reference" is a reference to a scanned imaging data obtained by the scanner, that the user IDs and correspondence stored for those user IDs do not constitute "link references" even though they perform the exact same function. No motivation or suggestion is needed to explain that the correspondence stored for the user IDs taught by Ogawa performs the same function as a "link reference." Anyone of ordinary skill in the art would realize this.

For the record one of ordinary skill in the art for this particular application need only be someone who understands how files are stored in image directories or has had any experience saving a file on a computer and then returning to that file by traveling through a file directory tree. Let it be clear now that the level of skill in the art for the present case has been established.

Independent Claim 12

With regard to claim 12 Appellant's arguments rely primarily on the assertion that the claimed "link reference" is somehow distinguished from the user IDs and directory correspondence information disclosed by Ogawa. Examiner maintains that Ogawa discloses "link references." See discussion above.

Appellant further argues that the scanner of Ogawa does not store any information in the directory associative file as it is merely a consumer of information previously stored in the directory associative file.

Appellant seems to be arguing because the use ID and directory file in Ogawa is stored in advance, that the scanner does not store the link reference. Examiner would like to ask the question at what point is the personal imaging repository claimed in claim 1 not created in advance? Is it before the first image is stored, or before there is a directory at all? The point is that the personal imaging repository is created at some point and image files are stored there and the file paths that identify that image file are reasonably broadly interpreted as a link references. A link reference is a file path or some kind of identifier that states where an image file can be found, and that is what the

Examiner has interpreted it as. Appellant also argues the point that the link references are stored or obtained by the scanning device after the scanned image data has been stored. This only makes sense, and it should be obvious that file directory data is only available once it has been decided where the image data will be stored. It should also be pointed out there is no specific mention of this limitation in the claims.

Appellants further make the statement as follows:

"The user ID of Ogawa is not stored by the scanning device and the user ID does not identify a location of scanned imaging data."

This statement by Appellant is completely false. Why does Ogawa discloses a user ID, if not to associate the input images with the User's associated file directory? That is the whole point of Ogawa's invention. User ID is determined and using that User ID, the associated file directory is identified (or linked) and that user's images are stored there. That is why "link reference" is read as a user ID, because the user ID identifies or links to the associative file directory. They perform exactly the same function.

The rejection is accordingly maintained.

II. Claims 1-9 and 21-23 are unpatentable under 35 USC 103(a) in view of the combination of U.S. Patents 6,115,739 to Ogawa and 6,930,709 to Creamer et al.

Independent Claim 1

Appellant again relies on the "link reference" limitation. The previous discussion applies.

Independent Claim 21

Appellant again relies on the "link reference" limitation. The previous discussion applies.

Independent Claim 22

Appellant again relies on the "link reference" limitation. The previous discussion applies.

III. Claim 10 is unpatentable under 35 USC 103(a) in view of the combination of U.S. Patents 6,115,739 to Ogawa and 6,930,709 to Creamer et al.

Appellant again relies on the "link reference" limitation. The previous discussion applies.

IV. Whether the level of ordinary skill has been properly ascertained

For the record one of ordinary skill in the art for this particular application need only be someone who understands how files are stored in digital format in computer file directories. Such computer file directories have been in use for at least 40 years. This means anyone who has used a personal computer and used such to store files in

directories or has had any experience saving a file on a computer and then returning to that file by traveling through a file directory tree. Anyone who has used a personal computer is one of ordinary skill in the art of this particular invention at least as far as the claims have been presented so far. Let it be clear now that the level of skill in the art for the present case has been established and has been properly ascertained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related appeals and Interferences section of this examiner's answer:

For the above reasons, it is believed that the rejection should be sustained.

Respectfully Submitted,

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